

# Memorandum

Date: October 11, 2006

To: All Holders of the Enforcement Division's Directives Manual

From: **Department of Fair Employment & Housing**  
**Office of the Chief Deputy Director**  
**(213) 439-6761 CALNET 8-213-439-6761**

Subject: Directive 501 – Changing a Closing Category or Reopening a Case

In a memorandum dated July 12, 2006, the language of the Notice of Case Closure letters was revised for cases closing on Category 05 – Insufficient Evidence to Prove a Violation of the Statute and Category 20 – No Probable Cause to Prove a Violation of the Statute.

The Notice of Case Closure letters eliminated the language which explains the basis on which the case was being closed and added the following language:

“Based upon its investigation, DFEH is unable to conclude that the information obtained establishes a violation of the statute. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this complaint.”

In those instances where a case was originally closed with closure category 05 or 20 and there is a need to change the closing category, the District Administrator will send a letter to the complainant that explains the reason the closure category is being changed (refer to Attachment 1). A copy of the letter will also be sent to the respondent and, if dual-filed, to EEOC.

In those instances where a case, originally closed with another closing category, is being changed and closed with closure category 05 or 20, the District Administrator will send a letter to the complainant that explains the reason the closure category is being changed (refer to Attachment 2). A copy of the letter will also be sent to the respondent and, if dual-filed, to EEOC.

In those instances where a re-opened case is closed with closure category 05 or 20, the Notice of Case Closure letter (DFEH-200-11w, computer generated) will be used.

*After familiarizing yourself with the contents of this memorandum, make the appropriate entry in the index and file it in your Directives binder in front of Directive 501.*

WANDA J. KIRBY  
Chief Deputy Director

Attachments

## **SAMPLE**

Date

Complainant Name  
Address

RE: Case Number/EEOC #  
Case Name

Dear

This letter is to notify you that the original basis for closure on the above-referenced case of discrimination has been rescinded. Instead of being closed because the investigation was unable to conclude that the information obtained established a violation of the statute, the official Department record will reflect that your case has been closed on the basis of \_\_\_\_\_. This action is being taken because \_\_\_\_\_.

The effective date of closure will remain the date of the original letter, [date], and the right-to-sue information included in that letter remains unchanged. If you have any questions, please feel free to call.

Sincerely,

District Administrator

cc: Same as original closure letter  
EEOC

## SAMPLE

Date

Complainant Name  
Address

RE: Case Number/EEOC #  
Case Name

Dear

This letter is to notify you that the original basis for closure on the above-referenced case of discrimination has been rescinded. Instead of being closed on the basis of \_\_\_\_\_, the official Department record will reflect that your case has been **closed because the investigation was unable to conclude that the information obtained established a violation of the statute**. This action is being taken because \_\_\_\_\_.

The effective date of closure will remain the date of the original letter, [date], and the right-to-sue information included in that letter remains unchanged. If you have any questions, please feel free to call.

Sincerely,

District Administrator

cc: Same as original closure letter  
EEOC